

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 21, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
Secretary Frederic M. Umane

Commissioners Barrera, Dent, Polanco, Soumas, Stupp

Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Valerie Vazquez, Director, Communications and Public Affairs
John Naudus, Manger, Electronic Voting Systems
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Associate, OGC
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Rachel Knipel, Coordinator, Language Assistance Program
Stephen Thompson, HAVA Training Specialist, EDO
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY
Garth Marchant
Kate Doran, LWV
Nancy Abad-Deleon
Brady A. Cruz, for Nancy Abad-Deleon
John D. Smith
Augustine Bowe, Citizens Union
Cathy Gray
Mark B. Herman, SIDA

Susan Lerner, Common Cause
Alan Flacks, Member of NY Democratic County Committee
A.B. Britton, KLC USA

President Guastella called the meeting to order at 1:41 P.M.

Mr. Richman requested for the Commissioners to appoint a Cover Sheet Review Committee to meet after today's meeting and on Thursday, August 23, 2012 at 4:30 P.M., if necessary. The Commissioners appointed President Guastella and Secretary Umane to meet after today's meeting and Commissioners Soumas and Stupp for Thursday, August 23, 2012, if necessary. A public notice will be posted on the Board's website and Front Counters.

Commissioner Dent requested to discuss a Brooklyn personnel matter in Executive Session.

Commissioner Stupp moved to adopt the minutes of the July 24, 2012 meeting. Commissioner Dent seconded the motion, which was unanimously adopted.

President Guastella called the Hearings on Prima Facie matters relating to the September 13, 2012 Primary Election.

Mr. Johnson reported on a matter concerning candidate Lucille R. Ognibebe, Democratic Delegate to Judicial Convention, 75th AD, Manhattan. There were no appearances. He explained that the Candidate Records Unit (CRU) discovered that candidate Lucille R. Ognibebe's name was incorrectly spelled. The correct spelling should have been Lucille R. Ognibene. Her name was printed incorrectly on the petitions. Mr. Johnson mailed Ms. Ognibene a notice, but there was no response from the candidate and/or any authorized representative to this date. Secretary Umame moved that the candidate be stricken. Commissioner Soumas seconded the motion, which was unanimously adopted.

Mr. Johnson reported on a matter concerning candidate Nancy Abad Deleon, Democratic Female District Leader, District 78, Bronx County. There were appearances by the candidate and her translator. Mr. Johnson explained that he received a telephone call from Ms. Deleon's advisor, Richard Soto, who stated that Ms. Deleon is enrolled in the Democratic Party. Mr. Johnson found that Ms. Deleon was linked as a

Blank in the CRU system in error. CRU sent two (2) notices to the candidate's home address on July 24, 2012 and July 30, 2012. There were no responses or appearances at the Board's Hearings. Ms. Deleon confirmed that she receives USPS mail at her home address which was the same address on file at the Board. Mr. Johnson reported that there was no returned mail at the Board. Commissioner Barrera reiterated that the Board notified Ms. Deleon two (2) times about this matter, but there were no responses to rectify this matter. Mr. Richman stated that the Board met their legal obligations concerning this matter. Commissioner Barrera moved to keep the Commissioners' determination stated at the July 30, 2012 Hearings as the official determination of the Board. Commissioner Polanco seconded the motion, which was unanimously adopted. The candidate is not on the ballot.

President Guastella adjourned the Hearings and convened the regular stated meeting.

Ms. Knipel presented the proposed amended Interim Plan for Provision of Language Assistance to Designated Asian-Indian Languages for the 2012 Primary and General Elections. A copy of the interim plan is

in the agenda. Ms. Knipel summarized the plan and stated that she has been developing this plan in consultation with various community groups, good government groups and the NYC Law Department since the Asian-Indian language was implemented. The updates include the following:

- Bengali translated candidates list at the ED Tables for the Primary Election
- Bengali translated sample ballot posted for the General Election
- Bengali translations on the Board's website
- Bengali translated Election Day materials
- Targeting formula used to identify poll sites for assistance

Ms. Knipel requested approval from the Commissioners to move forward with the proposed interim plan. It was confirmed that this interim plan was reviewed by the NYC Corporation Counsel and the Office of the General Counsel. Ms. Knipel stated that due to time constraints, a Bengali translated sample ballot will be posted for the November 6, 2012 General Election. The Bengali translated candidates list will be laminated and available on the ED Tables at the targeted poll sites for the September 13, 2012 Primary Election. Voters can take the candidates list into the Privacy Booth. Secretary Umame recommended at least five (5)

copies of the laminated candidates list per ED Table. Secretary Umane moved to adopt the amended Asian-Indian Interim Plan for the 2012 Primary and General Elections subject to any further discussions with the community and good government groups. Commissioner Stupp seconded the motion, which was unanimously adopted.

President Guastella recognized Shauna Denkenson, a representative of the NYC Campaign Finance Board (CFB), who asked the Board to consider having a language preference check-off box when voters sign the Poll Book on Election Day which could assist the distribution of the CFB's Voter Guide. Secretary Umane stated that the Board will look into this suggestion in the future.

Mr. Thompson presented the proposed Election Night Results Reporting (ENR) Procedures. A copy of the draft procedures is in the agenda. Mr. Thompson provided a summary of the procedures. President Guastella commended Mr. Thompson for compiling the ENR procedures in a short timeframe before the September Primary Election. She reported that the Staten Island Office Staff has some great recommendations for these procedures and requested for Mr. Thompson to work with them.

President Guastella recommended tabling this item until all Borough Offices submit their recommendations. Mr. Savino reminded the Commissioners that these procedures have to be submitted to the U.S. Department of Justice (DOJ) for pre-clearance. Secretary Umame moved for all Borough Office comments to be submitted to Mr. Thompson by close of business Wednesday, August 22, 2012, then the Commissioners' Committee will review the Borough Office submissions on Thursday, August 23, 2012 at 4:30 P.M. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Richman reported that he received numerous telephone calls asking if Poll Watchers will be allowed in the Police Precincts on Election Night to view the new ENR procedures. He stated that the NYS Election Law allows Poll Watchers to view the canvass at the Poll Site and to view the recanvass at the Borough Offices. He asked the Commissioners for direction. Ms. Perkins stated that Executive Management discussed this issue with NYPD Staff. The NYPD has safety concerns about the amount of traffic going in and out of their facilities along with prisoners. Also, their facilities are small and cannot accommodate a lot of people. Commissioner Polanco stated that Poll Watchers have the opportunity to

view both the canvass at the Poll Site and the recanvass at the Borough Offices and that the Board has to comply with the NYPD's concerns. Secretary Umame was concerned that the Board will be criticized for not being transparent, but it is impractical because the NYPD facilities are not large enough for the public.

President Guastella recognized Alan Flacks, a member of the public, who spoke about ENR in the Police Precincts on Election Night.

Ms. Perkins stated that Board Staff recently tested the computer signals in the designated ENR rooms in the Police Precincts and it was reported that the rooms were very small. Secretary Umame suggested for Board Staff to look into using one (1) Police Precinct citywide to allow Poll Watchers to view the ENR procedures for the November General Election.

Mr. Naudus presented the updated Post-Election Activities Procedures. A copy of the procedures is in the agenda. Mr. Naudus provided a summary of the procedures and requested approval from the Commissioners. Commissioner Polanco moved to adopt the Post-Election

Activities Procedures. President Guastella seconded the motion, which was unanimously adopted. Mr. Savino will submit these procedures to the DOJ for pre-clearance.

Mr. Ward presented the Comparative Expenditures Report dated August 21, 2012. A copy of the report is in the agenda.

Commissioner Polanco asked Shauna Denkenson, a representative of the CFB, if their Voter Guide provides voters with their poll site information. Ms. Denkenson stated that they indicate the voters' Election District and Assembly District. Commissioner Polanco requested if the CFB could include the voters' poll site information in the future. Ms. Denkenson stated that she will look into his request.

President Guastella recognized Kate Doran, a member of the League of Women Voters, who asked about the pay rate for the ENR Poll Workers. Secretary Umane stated that each ENR Poll Worker will receive a total of \$200 to work from 7:00 PM until the results reporting is complete.

President Guastella recognized Alan Flacks, a member of the public, who requested for the Commissioners' Agenda to be printed back-to-back.

President Guastella moved to convene an Executive Session to discuss personnel and litigation matters. Commissioner Barrera seconded the motion, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and President Guastella reported on the action taken in Executive Session.:

- I. The Commissioners unanimously granted an advance of 250 hours from the Sick Leave Bank to Michael Cortez, an Administrative Assistant in the Executive Office.

President Guastella moved to adjourn the meeting. Secretary Umane seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 28, 2012 at 1:30 P.M.